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6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA, )  
10 )  
11 Plaintiff, ) Case No.: 2:18-cr-0218-RFB-VCF  
12 vs. )  
13 ) STIPULATION TO CONTINUE  
14 JOSEPH MICHAEL ROAQUE, ) SENTENCING DATE  
15 )  
16 Defendant. ) (SECOND REQUEST)  
17 \_\_\_\_\_

18 *Certification:* This stipulation is filed pursuant to General Order 2007-04.

19 IT IS HEREBY STIPULATED AND AGREED, by and between the defendant  
20 JOSEPH MICHAEL ROAQUE through his attorney GABRIEL L. GRASSO, ESQ., and the  
21 United States of America, through SUSAN CUSHMAN, Assistant United States Attorney,  
22 that the sentencing hearing currently scheduled for December 11, 2019, at 10:00 a.m., be  
23 vacated and continued to a date and time convenient to this court, but no event earlier  
24 than thirty (30) days.

25 Pursuant to General Order No. 2007-04, this stipulation is entered and based upon  
26 the following:

27

- 28 1. ROAQUE is in custody and does not oppose to the continuance.
2. The parties agree to the continuance.
3. Denial of this request for continuance would deny the defense sufficient time  
to be able to assist in defendant's sentencing and file a Sentencing  
Memorandum with the court.
4. Both Government and Defense Counsel have scheduling issues the week of  
December 9, 2019 and request an additional 30 day reset of the sentencing.

5. This is the second request for a continuance of the sentencing date in this case.

DATED this 5<sup>th</sup> day of November, 2019.

RESPECTFULLY SUBMITTED BY:

/s/ Susan Cushman  
SUSAN CUSHMAN  
Assistant United States Attorney

/s/ Gabriel L. Grasso  
GABRIEL L. GRASSO  
Attorney for ROAQUE

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9 UNITED STATES OF AMERICA, )  
10 Plaintiff, ) Case No.: 2:18-cr-0218-RFB-VCF  
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13 ) SENTENCING DATE  
14 Defendant. ) (SECOND REQUEST)  
15 \_\_\_\_\_)

16 **FINDINGS OF FACT**

17 Based upon the submitted Stipulation, and good cause appearing therefore, the  
18 Court finds that:

19

20 1. Both Government and Defense Counsel have scheduling issues the week of  
December 9, 2019 and request an additional 30 day reset of the sentencing.  
21 2. ROAQUE is in custody and does not oppose to the continuance.  
22 3. The parties agree to the continuance.

23 **CONCLUSIONS OF LAW**

24 Denial of this request for continuance would deny the defense herein sufficient  
25 time and the opportunity within which to be able to effectively and thoroughly prepare for  
26 sentencing, taking into account the exercise of due diligence.  
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1 Additionally, denial of this request for continuance would result in a miscarriage of  
justice.  
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**ORDER**

4 **IT IS ORDERED** that the sentencing hearing currently scheduled for December 11,  
5 2019, at 10:00 a.m., be vacated and continued to January 16,  
6 2020, at the hour of 2:30 PM.  
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8 IT IS SO ORDERED:  
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10 RICHARD F. BOULWARE, II  
11 UNITED STATES DISTRICT JUDGE  
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13 DATED: November 12, 2019  
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